

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN**

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WA.No. 1210 of 2007()

AGAINST THE JUDGEMENT IN WPC.33710/2006 Dated 11/04/2007
.....

APPELLANT/PETITIONER IN WPC;

M/S.GURUKRIPA ASSOCIATES, C-1207,
JAWAHARLAL NEHRU INTERNATIONAL STADIUM,
KALOOR, KOCHI-17, REP. BY ITS PROPRIETOR
P.K.NANDALAL, S/O.P.H.KRISHNA SHENOY, AGED 38,
RESIDING AT "GURUKRIPA", KEERTHINAGAR ROAD,
ELAMMAKKARA.

BY ADV. SRI.R.LAKSHMI NARAYAN
SMT.R.RANJINI

RESPONDENTS/RESPONDENTS IN WPC :

1. THE SECRETARY,GREATER COCHIN
DEVELOPMENT AUTHORITY, KOCHI-20.
2. THE EXECUTIVE COMMITTEE,GREATER
COCHIN DEVELOPMENT AUTHORITY,KOCHI-20.

BY ADV. SHRI MILLU DANDAPANI.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

.....
W.A. No. 1210 OF 2007
.....

Dated this the 1st June, 2007

J U D G M E N T

H.L. Dattu, C.J.:

This appeal arises out of the common judgment delivered by the learned single Judge in Writ Petition No. 33710 of 2006 and other connected cases, dated 11.04.2007. By the impugned judgment, the learned single Judge has rejected the Writ petitions and has directed the respondent-Greater Cochin Development Authority, Kochi to refund the amounts collected from the petitioners with interest, at the rate 6%, from the date of collection till the date of payment, after deducting the proportionate rent for the period of use of shop.

2. The petitioner in its writ petition filed had called in question the tender notification issued by the Greater Cochin Development Authority, Kochi for allotment of shops. The tender notification so issued by the Authority was pursuant to the orders and directions issued by this Court in W.P.(C) No. 17775 of 2006 and in other Writ Petitions.

3. In the course of the order, the learned single Judge has opined that the Development Authority, before allotting shops on lease to the petitioner and others, had violated the procedure prescribed, in the sense, that it has not issued

any notification inviting applications from among the public for allotment of shops and that allotment of shops made by the Authority is in violation of fundamental rights of other persons who are also interested in allotment of shops. Therefore, the learned single Judge has sustained the tender notification issued by the Development Authority. The correctness or otherwise of the impugned judgment is the subject matter of this Writ Appeal.

4. Learned counsel appearing for the appellant would vehemently contend before this court that the respondents ought not to have issued any fresh notification, inviting applications for allotment of shops on the ground that the Development Authority by their action had promised for allotment of shop in favour of the appellant/petitioner and therefore, the principles of Promissory Estoppel would come into play. In support of the said contention, the learned counsel heavily relied upon the observation made by the Apex Court in **Amrit Banaspati Co. Ltd. vs. State of Punjab** (AIR 1992 SUPREME COURT 1075).

5. To answer the issue raised by the learned counsel for the appellant, we need not have to elaborately deal with on that issue, for the reason that the doctrine of Promissory Estoppel cannot be invoked to compel public bodies to carry out any promise or representation made by them, contrary to law or beyond their authority or power.

6. In view of the above, the submission made by the learned counsel for the

appellant cannot be accepted by us. After all, the Development Authority has issued a fresh tender notification for allotment of shops. That is done pursuant to the orders and directions issued by this court and those directions have become final in the sense that nobody has questioned the same before any superior forum. If any action is done by the Authority, pursuant to the orders and directions issued by this court, the same cannot be construed either as arbitrary or illegal. In that view of the matter, there is no merit in this Appeal and it requires to be rejected.

Ordered accordingly.

**H.L. DATTU,
CHIEF JUSTICE.**

**K.T. SANKARAN,
JUDGE.**